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## Blushing Prosecutors Withdraw Suit

# CIA 1952 Files Save Ex-Nazi in Deportation Case

By Thomas O'Toole

Washington Post Staff Writer

In a classic case of the right hand not knowing what the left hand was up to, the U.S. government went into court last year to try to expel a Paterson, N.J., man for concealing his membership in Nazi organizations under Hitler.

Tscherim. Soobzokov, who entered the country in the mid-1950s, hadn't concealed it, however—the Central Intelligence Agency knew.

With a certain bureaucratic embarrassment, the Justice Department yesterday asked the U.S. District Court in Newark, N.J., to drop its suit.

Did Soobzokov, now 62, work for the CIA or its predecessor the OSS while he was a Nazi? The Justice Department says it won't say.

"My answer to such a question," said Allan A. Ryan Jr., head of the Office of Special Investigations at Justice, "is simply that I am not at liberty to reveal any such connection, if it exists, in this case or in any other case."

Instead, Ryan, in a statement yesterday, said only, "Evidence has since come to light that leads me to conclude that in fact (Soobzokov) did disclose his affiliations with these organizations in the course of applying to enter the U.S."

The fresh evidence cited by Ryan is a copy of "Form V-30," the Personal Data Form that foreigners applying for visas must fill out. The form is dated in 1952, was delivered that year by the defendant to the U.S. Embassy in Amman, Jordan, where he was living at the time, and lists affiliations with the Waffen S.S., the North Caucasian Legion and the Tachtamukai (a city in the Caucasus) town police.

Soobzokov, a Russian born in the Caucasus, was a lieutenant in the Red Army in 1941 and 1942. He switched sides in 1943, becoming a battalion commander in the Wehrmacht's North Caucasian Legion and in 1945 a cap-

tain in the Waffen S.S. Moslem Division. The Waffen was declared a criminal organization by the Nuremberg war trials of 1946.

Four months ago, responding to Soobzokov's lawyers, Ryan's office turned over copies of the 1952 form to the State Department and Central Intelligence Agency and asked them to verify it. The State Department replied that it could not verify it but the CIA said it could.

"The CIA advised us it had in its possession a copy of the Form V-30 itself as the defendant produced it to us," Ryan said, "and a copy of an operations memorandum, dated Aug. 3, 1953, from the American embassy in Amman to the Department of State."

Ryan said the memo "sets forth essentially the disclosures" that Soobzokov says he made on Form V-30 and "asks for an advisory opinion" on what to do about his visa application.

The CIA also produced a cover letter dated Aug. 18, 1953, from the State Department "forwarding certain materials and soliciting the CIA's views on the matters disclosed therein," Ryan did not identify what the "certain materials" about Soobzokov were.

"Apparently, the CIA had no derogatory information regarding the defendant," Ryan went on, "for he was ultimately granted a visa."

The Justice Department's move to allow Soobzokov to keep his American citizenship brought a howl of protest from Rep. Elizabeth Holtzman (D-N.Y.), chairman of the House Judiciary Committee's immigration subcommittee and a key congressional supporter of Justice Department attempts to hunt former Nazi war criminals living in the United States.

"I am angered by the implications of this, if the documents giving rise to the dismissal are in fact valid," Holtzman said. "As a minimum, that would mean that despite Soobzokov's admission that he was a member of the Waffen SS, the State Department, af-

ter consultation with the CIA, chose to admit him to the United States.

"This once again raises the spectre of possible connivance and collusion on the part of our government," Holtzman went on, "in admitting, and providing sanctuary to, suspected Nazis..."

While it did not respond to Holtzman, the Justice Department said it had no choice but to allow Soobzokov to remain because U.S. law states that "concealment" of Nazi affiliations, not the affiliations themselves, is cause for revoking citizenship.

"Some may find it ironic that we must terminate this litigation because the defendant admitted his affiliation with organizations loyal to the Third Reich," Ryan said. "But that, in my opinion, is the law, ironic or not, as it applies to this case. Nothing in our action today, or in this statement, applies to any other case, present or future."